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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/624,707 | 07/22/2003 | Matthew Howard Haga | | 3645 |

7590 06/21/2005
Russell D. Culbertson
Building One, Suite 360
1250 Capital of Texas Highway, S.
Austin, TX 78746

EXAMINER

COBURN, CORBETT B

| | |
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| ART UNIT | PAPER NUMBER |
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3714

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,707

Applicant(s)

HAGA, MATTHEW HOWARD

Examiner

Corbett B. Coburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Device And Method For Determining The Orientation Of A Ticket And Whether The Ticket's Cover Has Been Removed.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-22 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. The claimed invention provides no tangible results. If the player inserts a ticket with a cover still intact, the system does nothing – it just sits there. This is the same thing that happens if the player does nothing at all. Even when the cover is removed, there is no recitation that the game results are actually displayed. The display is merely enabled. (See claim 4.) A misorientation notification is produced in claim 3, but is not displayed. Since there is no recitation of actually displaying results or error messages as appropriate, there are no tangible results. Thus the invention has no patentable utility.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 6, 9-13 & 16-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamille (US Patent Number 5,996,997).

Claims 1, 10, 17: Kamille teaches a device and method for validating scratch-off lottery tickets. Kamille detects whether a game ticket inserted at the player station includes a cover (Col 12, 6-14). The system inherently disables the player station from displaying gaming results associated with the game ticket in the event that the step of detecting whether the game ticket includes the cover indicates that the cover is present on the game ticket – if the cover has not been removed (i.e., the ticket has not been played) it is not possible to display game results. The system has the programming, sensors, and the processor necessary to carry out these functions.

Claim 2: The step of detecting whether the game ticket includes the cover inherently includes producing a cover sensor output. The sensor must produce some output if the cover is removed in order to score the game.

Claims 6, 13: The cover sensor is an optical sensor. (I.e., barcode scanner.)

Claims 9, 16: The step of detecting whether the game ticket includes the cover includes the step of attempting to detect a feature located on a substrate of the game ticket – the device reads the revealed barcodes. See Figs 9A & B and discussion thereof.

Claims 11, 18: Kamille teaches an orientation sensor coupled to the processor, the orientation sensor being operable to produce an orientation output indicative of an orientation of the game ticket in the game ticket reader. The cover sensor also functions as an orientation sensor. Clearly output must be read to have any effect.

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Claims 12, 19: Kamille teaches enabling the player station to display gaming results associated with the game ticket in the event that the step of detecting whether the game ticket includes the cover indicates that the cover is absent and the step of determining the orientation of the game ticket in the player station indicates that the game ticket has been inserted properly. This is the whole point of any such ticket reader.

Claims 20 & 21: Kamille teaches an electrical system (Fig 13) for reading the tickets. This device has sensors to detect various levels of resistance, conductivity, etc. (Col 14, 25-27) Thus, the cover sensor and orientation sensor output comprises a signal residing at either a first signal level or a second signal level.

Claim 22: Kamille inherently teaches orientation sensor processing code for deriving the orientation sensor output from a set of data read from the game ticket – if the barcodes are readable, then the orientation is correct. If the barcodes are not readable (because the player put the ticket in face down), then the orientation is not correct.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-5 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kamille as applied to Claim 1.

Claim 3: The step of detecting whether the game ticket includes the cover inherently includes determining an orientation of the game ticket in the player station – the front of

the ticket must face the scanner in order for the scanner to read the ticket. While Kamille does not affirmatively recite the step of producing a ticket misorientation notification in the event the step of determining the orientation of the game ticket in the player station indicates that the game ticket has not been inserted properly. The system must have some way to handle error conditions. This is a basic requirement for any reasonably robust system. Thus, error messages are extremely well known to the art – whether used to inform the processor that an error has occurred or displayed to a user. Either such a message is inherently included in Kamille's system, or it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kamille to include the step of producing a ticket misorientation notification in the event the step of determining the orientation of the game ticket in the player station indicates that the game ticket has not been inserted properly in order to be able to correctly handle errors.

Claim 4: Kamille teaches enabling the player station to display gaming results associated with the game ticket in the event that the step of detecting whether the game ticket includes the cover indicates that the cover is absent and the step of determining the orientation of the game ticket in the player station indicates that the game ticket has been inserted properly. This is the whole point of any such ticket reader.

Claim 5: The step of determining the orientation of the game ticket in the player station includes producing an orientation sensor output. The cover sensor is also the orientation sensor. Clearly, if it detects the proper orientation on a played ticket, it will produce some output.

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8. Claim 7, 8, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamille as applied to claim 1, 2, 10.

Claims 7, 14: Kamille teaches an optical and an electrical sensor, but does not teach a magnetic sensor. Applicant discloses the magnetic sensor as equivalent to an optical sensor. (Paragraph 0007) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kamille to include a magnetic sensor instead of an optical sensor because they are equivalent components.

Claims 8, 15: Kamille teaches attempting to detect a feature located on a substrate of the game ticket but does not teach that the step of detecting whether the game ticket includes the cover includes the step of attempting to detect a feature located on the cover.

Applicant discloses these as equivalent methods. (See paragraphs 0008 & 0009.) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kamille to attempt to detect a feature located on the cover instead of attempting to detect a feature located on a substrate of the game ticket because these are equivalent methods.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

| Reference Name | US Patent Number | Applicability |
|-------------------|------------------|---------------|
| Stoken et al. | 5,735,432 | Ticket Reader |
| Irwin, Jr. et al. | 5,471,039 | Ticket Reader |
| Ohanian et al. | 6,109,526 | Ticket Reader |

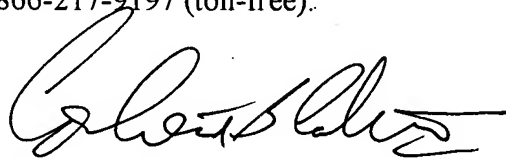
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447.

The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Primary, Jessica Harrison can be reached on (571) 272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Corbett B. Coburn
Examiner
Art Unit 3714